

REMARKS

The Office Action dated 21 September 2005 has been reviewed and the comments of the U.S. Patent Office have been considered. Claim 1-7 have been amended to particularly point out and distinctly claim Applicants' invention. Thus, claims 1-7 are pending and are respectfully submitted for reconsideration by the Examiner.

It is respectfully submitted that Applicants' Information Disclosure Statements filed on 17 December 2003, 25 August 2004 and 23 March 2005 fully comply with 37 C.F.R. § 1.97, and that the refusal to consider the cited documents is improper. With regard to the Information Disclosure Statement filed 17 December 2003, copies of the documents were previously submitted in connection with U.S. Application No. 10/359,305, which was both identified in the 17 December 2003 Information Disclosure Statement and is relied upon for an earlier effective filing date under 35 U.S.C. § 120. Thus, the provisions of 37 C.F.R. § 1.97(d) supersede those of 37 C.F.R. § 1.97(a)(2) that was incorrectly relied upon in the Office Action.

With regard to the 25 August 2004 Information Disclosure Statement, it is respectfully submitted that copies of the cited documents accompanied the Information Disclosure Statement, as evidenced by the attached date stamped postcard. Moreover, the PAIRS database shows that six non-US patent documents were filed with the 25 August 2004 Information Disclosure Statement.

Therefore, it is respectfully submitted that the refusal to consider the documents that were properly cited and supplied is improper. Applicant respectfully requests that the documents be considered and placed of record. Enclosed for the Examiner's convenience are duplicates of the Form-1449 supplied with the Information Disclosure Statements of 17 December 2003 and 25 August 2004. Please return initialed copies of the Form-1449 signifying that the references have been considered and placed of record.

The drawings and specification were objected to for the reasons set forth in sections 2-4 of the Office Action. These objections are respectfully traversed in view of the replacement drawing sheets and the substitute specification in accordance with 37 C.F.R. § 1.125 that accompany this response.

In addition to addressing the objections to the disclosure and drawings set forth in the Office Action, the substitute specification also: presents the correct arrangement of the

application in accordance with 37 C.F.R. § 1.77; uses paragraph numbering, in lieu of line numbering, in accordance with 37 C.F.R. § 1.52; updates the Statement of Related Applications to reflect the issuance of patents; and restates the brief description of Figures 11A, 11B and 11C, which was included in the application as originally filed, but inadvertently referenced Figures 10A, 10B and 10C.

The replacement drawings and substitute specification include no new matter.

Claims 1-5 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite, and were rejected under 37 C.F.R. § 1.75(c) as allegedly being repetitious and unduly multiplicative. These rejections are respectfully traversed in view of the following comments.

It is respectfully submitted that each of claims 1-5 recite a vehicle including, *inter alia*, “two or more wheels” and “at least one electric motor,” which has a “torque density of at least 20 Nm/kg.” Moreover, it is respectfully submitted that each of these recited features presents sufficiently clarity and precision, and are consistent with Applicants’ specification of preferred embodiments. As such, it is respectfully submitted that the Office Action appears to have improperly equated the breadth of the claims with indefiniteness. *See* MPEP § 2173.04. As such, it is respectfully submitted that claims 1-5 fully comply with 35 U.S.C. § 112, and that the rejections under the second paragraph should be withdrawn.

With regard to the rejections under 37 C.F.R. § 1.75(c), it is respectfully submitted that seven total claims could never be considered unduly multiplicative. Moreover, it is respectfully submitted that each of claims 1-5 is sufficiently distinct with respect to one another. Claim 1 recites a vehicle including, *inter alia*, “a multiphase machine” that includes “a rotor,” a “plurality of stator core elements being arranged in groups, each group of stator core elements being associated with a corresponding one phase of the multiphase machine,” and “a controller for controlling electrical flow in each group of stator core elements independently of electrical flow in each other group, whereby each phase of the multiphase machine is controlled independently of each other phase.” On the other hand, claim 2 recites a vehicle including, *inter alia*, “an in-wheel motor;” and claim 3 recites a vehicle including, *intern alia*, “a near-wheel motor.” Claim 4 recites a vehicle including, *inter alia*, “each at least one electric motor is mechanically linked with at least one wheel of the vehicle,” and claim 5 recites a vehicle including, *inter alia*, “each at least one electric motor directly drives one or more wheels of the vehicle.” Thus, it is

respectfully submitted that each of Applicants' claims 1 to 5 recite distinct combinations of features.

For at least any of the above reasons, it is respectfully submitted that the rejections of claims 1-5 under with 35 U.S.C. § 112, second paragraph, or 37 C.F.R. § 1.75(c) are in error and should be withdrawn.

Claims 1-7 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,278,216 to Li and U.S. Patent No. 5,917,295 to Mongeau (which apparently has not yet been placed of record), in view of UQM Technologies (it is not clear if this citation refers to the copy of the internet derived document that accompanied the Office Action). These rejections are respectfully traversed because Li, Mongeau, and UQM Technologies, whether considered alone or in combination, fail to teach or suggest the claimed invention as a whole, as recited in independent claims 1-7.

The Office Action acknowledges that "Li and Mongeau are silent on the torque-to-weight ratio (20 Nm/kg)" that is recited in each of Applicants' claims 1-5. The Office Action asserts that UQM Technologies "shows a variety of motors being used on vehicle propulsion systems in which torque-to-weight differ from one motor to another," and asserts that it would have been an obvious matter of design choice to select a specific torque-to-weight ratio since "discovering an optimum value of a result effective variable involves only routine skill in the art." These assertions are respectfully traversed in view of the following comments.

Even if UQM Technologies does show motors with different torque-to-weight ratios, a proposition that Applicants do not accept, there is still no reason why one of skill in the art would be guided by UQM Technologies to "optimize" torque-to-weight, as opposed to any other parameter that might be calculated based on UQM Technologies, much less to select the particular torque-to-weight range recited in Applicants' claims 1-5.

As to claims 6 and 7; the citations to Li relied upon by the Office Action fail to support the suggestions that the Office Action attributes to Li. For example, with respect to Applicants' claim 6, the Office Action cites Li Figures 8 and 10; however, neither the cited figures nor anywhere else in Li does there appear to be support for the assertion in the Office Action that Li suggests any type of electromagnetic circuit isolation. Similarly, with respect to Applicants' claim 7, the Office Action asserts that Li's processor "obviously would be dynamically adapted to any user inputs" is merely a characterization that is unsupported by Li *per se*.

For at least any of the above reasons, it is respectfully submitted that Li, Mongeau, and UQM Technologies, whether considered alone or in combination, fail to teach or suggest the claimed invention as a whole, and that the rejections of claims 1-7 under 35 U.S.C. § 103(a) are in error and should be withdrawn.

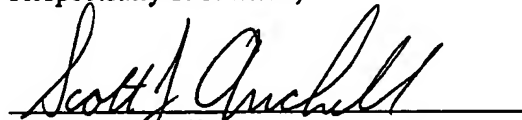
CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this Application and the prompt allowance of claims 1-3, 6, 11, 12, 15, 17, 18, 20-24, 26 and 29-32.

Should the Examiner feel that there are any issues outstanding after consideration of this reply, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution of the application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 08-1641. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,



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Date: 21 March 2006

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